

ORDINANCE NO. 87-35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, PROVIDING FOR A PLAN
REVIEW FEE FOR PALM BEACH COUNTY FIRE/RESCUE AMENDING
PARAGRAPH D OF SECTION 1.04 OF THE STANDARD FIRE
PREVENTION CODE AS AMENDED; PROVIDING FOR REPEAL OF
LAWS IN CONFLICT; PROVIDING FOR INTERPRETATION OF
CAPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN CODE OF LAWS AND ORDINANCES; PROVIDING
FOR APPLICABILITY AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, Ordinance No. 83-23 created Palm Beach County
Fire/Rescue in order to provide fire protection and advance life support
fire/rescue services; and

WHEREAS, Florida Statutes Chapter 125.01(1)q authorizes
counties to establish Municipal Service Taxing Units and to derive funds
from the service charges and fees necessary to provide these functions;
and

WHEREAS, Laws of Florida, Chapter 83-495 requires uniformity of
ordinances and charges between the municipal services taxing units and
cities receiving services under contract; and

WHEREAS, Ordinance No. 84-3 authorizes the Palm Beach County
Fire/Rescue Administrator or his representatives to review plans for
construction, alteration, or remodeling of new or existing buildings
excluding single family and duplex units; and

WHEREAS, Palm Beach County's Infrastructure Task Force has
recommended and the Board of County Commissioners of Palm Beach County
finds that it is desirable that the funding for these activities be
provided by the persons, firms, or corporations benefitting from such
services; and

WHEREAS, all funds generated from these fees will be used only
to off-set those costs associated with the fire plans review and
inspection process; and

1 WHEREAS, the adoption of this ordinance will be to the benefit
2 of the public welfare by providing a mechanism by which to fund this
3 essential function of County government.

4 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

6 SECTION 1:

7 Section 1.04 of the Standard Fire Prevention Code as amended
8 and adopted by Section 2 of Ordinance No. 84-3 is hereby amended to read
9 as follows:

10 1.04 RESPONSIBILITY.

11 A. The Fire/Rescue Administrator of Palm Beach County shall be
12 responsible for the enforcement of the Code and all State laws under his
13 jurisdiction, within the operational purview of Ordinance 83-23, per-
14 taining to the prevention, investigation and suppression of fires. The
15 Fire/Rescue Administrator shall appoint a Fire Marshal who shall have the
16 authority to enforce the provisions of this Code. Hereafter, in the
17 Code, where the term Fire Official appears, it shall mean the Fire
18 Marshal or his authorized representatives.

19 B. All plans for construction, alteration or remodeling of any
20 new or existing buildings, including the installation, modification or
21 removal of any system shall be reviewed by the Fire Marshal for evidence
22 of compliance with this Code. If the plans submitted for review are found
23 not to be in compliance with this Code, the Fire Marshal shall give such
24 reasons for rejection in writing to the applicant. The Fire Marshal may
25 require tests or other investigations to be conducted by an agency
26 satisfactory to the jurisdiction when an appliance, device, equipment or
27 system intended for installation does not specifically meet the
28 requirements of this Code. Such tests or investigations shall be based
29 upon nationally accepted test standards or principles.

30 C. A letter of Fire Code Compliance or noncompliance shall be
31 issued by the Fire Marshal to the Building Official prior to the Building
32 Official issuing a Certificate of Occupancy for the premises for which a
33 building permit has been issued.

1 D. PLAN REVIEW AND INSPECTION FEES.

2 (1) PURPOSE

3 The purpose of this paragraph D is to provide a means by which
4 to fund actual costs associated with Palm Beach County Fire/Rescue's
5 plans plans review and inspection services. The fee schedule set
6 forth herein is intended to permit the fire prevention bureau of Palm
7 Beach County Fire/Rescue to offset the costs of the services through a
8 user fee.

9 (2) SCOPE

10 The provisions set forth in this Section shall apply to all
11 construction for which the Fire/Rescue Administrator of Palm Beach County
12 is responsible for, as provided for in Ordinance No. 83-23 and 84-3, as
13 have been or may be amended.

14 (3) FEES

15 (a) A fee as prescribed in Paragraph (b) and (c) of this
16 paragraph (3) shall be paid at the time of application for a building
17 permit.

18 (b) Review fees shall be based on the estimated value and
19 calculated at the following percentage rate:

20	LEVEL 1	.5%	\$0.00 - \$10,000.00	
21				plus
22	LEVEL 2	.25%	\$10,001.00 - \$100,000.00	
23				plus
24	LEVEL 3	.125%	\$100,001.00 - \$500,000.00	
25				plus
26	LEVEL 4	.0625%	\$500,001.00 - \$1,000,000.00	
27				plus
28	LEVEL 5	.03125%	\$1,000,001.00 - and up	

29 (c) A flat fee of \$225.00 shall be paid for the review of each
30 tri-plex or four-unit residential structure.

31 (d) The minimum fee shall not be less than \$10.00.

32 (e) There shall be no charge for those inspections established
33 by the Fire/Rescue Administrator or his authorized representative to
34 ensure that the work is in accordance with this Palm Beach County Fire
35 Code. A reinspection fee of \$25.00 shall be charged for reinspection

1 which may be made due to the fact that the work is not ready as specified
2 at the time of schedule inspection, because the work did not meet the
3 Code, or for any reason caused by the applicant which requires an
4 additional trip to the job site by the Inspector.

5 (4) DESIGN REVIEW

6 Prior to application for a permit, the owner, contractor or
7 designer may request design review. This review shall be conducted in
8 accordance with this section together with the policy and procedures
9 established by the Fire Official. The cost for this review shall be
10 \$50.00 and shall not be refunded.

11 This process is intended for structures or projects in the
12 design stage which have limited working drawings. The review is
13 intended to aid the applicant by familiarizing them with code
14 requirements which may effect their design.

15 (5) PLAN REVISIONS

16 Revisions to plan shall be in accordance with the following
17 together with the policy and procedures established by the Fire Official.

18 (a) Minor Revisions (two sheets or less)/Pre-permit

19 Prior to the issuance of a permit, minor revisions will be
20 accepted at no charge.

21 (b) Major Revisions/Pre-permit

22 Prior to the issuance of a permit, major revisions shall be
23 accepted for 10% of the original fee. However, should the revision
24 increase the estimated value or require a separate permit, the applicant
25 shall be required to pay an additional fee in accordance with Section
26 (3)(b), in lieu of the 10%.

27 (c) Minor Revisions (two sheets or less)/Post-permit

28 Once a permit has been issued, minor revisions will be
29 processed for a minimum fee of \$10.00. However, should the revision
30 increase the estimated value or require a separate permit, the
31 applicant shall be required to pay an additional fee in accordance with
32 Section (3)(b).

1 (d) Major Revisions/Post-permit

2 Once a permit has been issued, major revisions shall be
3 processed for \$2.50 per page, with a minimum fee of \$10.00. However,
4 should the revision increase the estimated value or require a separate
5 permit, the applicant shall be required to pay an additional fee in
6 accordance with Section (3)(b) in lieu of the above.

7 (e) Restamps

8 Once a permit has been issued, restamps shall be processed
9 for \$1.00 per page, with a minimum fee of \$10.00.

10 (f) Invalid Permits

11 If construction has not commenced, an invalid permit as
12 defined in Section 103.6.1 of the Palm Beach County Building Code
13 Amendments may be reviewed for 30% of the current fee in Section (3)(b).
14 If construction has commenced, invalid permit may be reviewed upon
15 payment of a fee for the value of work remaining based on the present
16 fee schedule.

17 (6) WATER FLOW TESTS

18 A fee of \$50.00 shall be assessed for water flow tests
19 performed by Palm Beach County Fire/Rescue as required by Ordinance No.
20 84-3.

21 (7) CIVIL DRAWINGS

22 A fee of \$25.00 shall be assessed for any drawing reviewed by
23 Palm Beach County Fire/Rescue, including civil drawings, for work for
24 which a building permit is not issued.

25 (8) REFUNDS

26 Refunds for any fee which exceeds the amount of \$100.00, a
27 refund may be obtained. The refund shall be in the amount of 70% of the
28 amount paid over \$100.00. The refund request must be in the form of a
29 letter submitted to Palm Beach County Fire/Rescue containing the permit
30 number and the reason such refund is requested. It must be received by
31 Fire/Rescue within 30 days of the permits date of issuance.

1 (9) RECORDS

2 The Fire/Rescue Administrator or his authorized representative
3 shall keep a permanent and accurate account of all permit fees and other
4 monies collected, the names of all persons upon whose account the same
5 was paid, the date and amount thereof.

6 (10) DEFINITIONS

7 Estimated Value--the cost of all construction. If in the
8 opinion of the Fire/Rescue Administrator or his authorized
9 representatives, the value is understated on the application, the permit
10 shall be denied, unless the applicant provided detail cost estimate which
11 meets the approval of the Fire/Rescue Administrator or his authorized
12 representative.

13 Authorized representative--the Fire Marshall duly appointed by
14 the Fire/Rescue Administrator.

15 (11) ANNUAL REVIEW

16 The fee schedule set forth herein shall be reviewed annually
17 and if necessary amended to reflect the cost for providing the plan
18 review and inspection processes.

19 SECTION 2. REPEAL OF LAWS IN CONFLICT

20 All local laws and ordinances applying to the unincorporated
21 area of Palm Beach County in conflict with any provisions of this
22 ordinance are hereby repealed.

23 SECTION 3. INTERPRETATION OF CAPTIONS

24 The captions, section headings and section designations used in
25 this Ordinance are intended for convenience of users only and shall have
26 no effect on the interpretation of the provisions of this ordinance.

27 SECTION 4. SEVERABILITY

28 If any section, paragraph, sentence, clause, phrase, or word of
29 this ordinance is for any reason held by the Court to be unconstitu-
30 tional, inoperative or void, such holding shall not affect the remainder
31 of this ordinance.

SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 6. APPLICABILITY


This Ordinance shall be effective in those municipal service taxing units established for providing fire protection and advance life support services by Palm Beach County Fire/Rescue and those municipalities who contract for such services pursuant to Laws of Florida, Chapter 83-495. The fee schedule adopted by this Ordinance shall apply as far as possible into the future until such time this Ordinance is amended or repealed.

SECTION 7. EFFECTIVE DATE

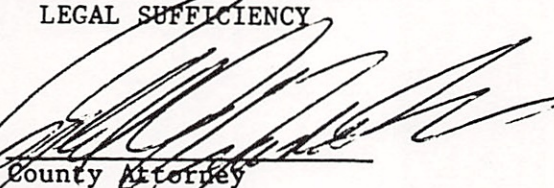
The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 22nd day of December, 19 87.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

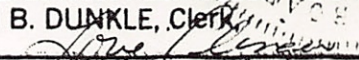
By 
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 29th day of December, 19 87.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 4th day of January, 19 88, at 4:41 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA-COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners, certify this to
be a true and correct copy of the original filed in
my office on 12/22/87.
DATED at West Palm Beach, FL on 12/22/87.
JOHN B. DUNKLE, Clerk
By:  D.C.
Deputy Clerk